

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

STEPHEN BAIN,

Plaintiff,
-against-

THE CITY OF NEW YORK, THE NEW
YORK CITY POLICE DEPARTMENT,
METROPOLITAN TRANSPORTATION
AUTHORITY, METROPOLITAN
TRANSPORTATION POLICE DEPARTMENT,
LONG ISLAND RAILROAD d/b/a
MTA LONG ISLAND RAILROAD,
LONG ISLAND RAILROAD POLICE
DEPARTMENT, PO ROBERT
ARONSON - shield 02300, PO DANIEL
MCDADE - shield 2020, and "JOHN DOES"
(names not know and fictitious)- POLICE
OFFICER,

Defendants.

-----X

Defendants, METROPOLITAN TRANSPORTATION AUTHORITY,
METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT,
LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND
RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO
DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) -
Police Officers by their attorneys LEWIS JOHS AVALONE AVILES, LLP.

Pursuant to FRCP 34 respond to the City of New York and New York City
Police Department's request for documents as follows:

1. Annexed hereto as Exhibit "A" is the MTA Police Department Incident
Report, 0612112 (13 pages) and supplements dated January 1, 2007 (3 pages).

**MTA DEFENDANTS
RESPONSES TO THE
CITY OF NEW YORK
AND NEW YORK CITY
POLICE DEPARTMENT'S
NOTICE TO PRODUCE
DOCUMENTS**

07cv8021 (VM)

2. See Response to Question No. 1.
3. See Response to Question No. 1.
4. Medical records of MTA Police McDade and Aronson have been requested and will be provided upon receipt.
5. At this time there are no photographs and/or video documents from the holding cell of Penn Station involving this incident.
6. Photographs (5) taken of plaintiff are included and the documents provided in Request No.: 1.
7. There has been no subpoenas identified that have been served on any party individual or entity concerning this litigation.
8. See Response to Request No. 7.

Dated: Riverhead, New York
March 25, 2008

Yours, etc.

LEWIS JOHS AVALLONE AVILES, LLP
Attorneys for Defendants
METROPOLITAN TRANSPORTATION
AUTHORITY, METROPOLITAN
TRANSPORTATION AUTHORITY POLICE
DEPARTMENT, LONG ISLAND RAILROAD d/b/a
MTA LONG ISLAND RAILROAD, LONG ISLAND
RAILROAD POLICE DEPARTMENT, PO
ROBERT ARONSON - shield 02300, PO DANIEL
MCDADE - shield 2020, and "JOHN DOES" (names
not known and fictitious) -
21 East Second Street
Riverhead, New York 11901
631.369.7600

By: 

Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES
Attorneys for Plaintiff
30 Vesey Street, 15th Floor
New York, New York 10007
212.766.1177

Office of the Corporation Counsel of the City of New York
Law Department
100 Church Street, Room 3-199
New York, New York 10007
Att: Caroline L. Chen, Esq.

Exhibit A

Incident Report

M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE

9TH FLOOR

(212) 878-1000

Reported Date
09/13/2006
Nature of Call
ASSALT
Officer
MCDADE, DANIEL F

Administrative Information

Agency M.T.A. POLICE DEPARTMENT	Case No 06-12112	Supplement No ORIG	Reported Date 09/13/2006	Reported Time 01:11	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION			
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20
Officer M86596/MCDADE, DANIEL F	Assignment DISTRICT 4 B TOUR	2nd Officer ARONSON, ROBERT A	To Date 09/13/2006	To Time 00:28	
Assignment DISTRICT 4 B TOUR	Entered by D86418	Assignment PATROL SERGEANT	RMS Transfer Successful	Property? None	Transit ID NONE
Org Nature of Call 1013	CTV County of New York	Approving Officer D86418	Approval Date 09/15/2006		
Approval Time 03:39:54					

COPY TO IAB (RECORD USE ONLY) Yes		NYS PIN CK MADE-NO HIT Yes		OC DISCHGE-COPY TO TRN Yes	
# Offenses 1	Offense NY PL 120.10	CF1	Description ASSAULT-1ST	Complaint Type C	AC 0
#Pr 1	MOE Act	Weapon/Force 88	IBRS 13A	No 1	Bias 77
# Offenses 2	Offense NY PL 120.08	CF0	Description ASLT: POLICE OFF/FIRE	Complaint Type C	AC 0
#Pr 2	MOE Act	Weapon/Force 88	IBRS 13A	No 2	Bias 77
# Offenses 3	Offense NY PL 120.05 03	DF2	Description ASLT W/INT CAUS PH I	Complaint Type C	AC 0
#Pr 3	MOE Act	Weapon/Force 88	IBRS 13A	No 3	Bias 77
# Offenses 4	Offense NY PL 205.30	AM0	Description RESISTING ARREST	Complaint Type C	AC 0
#Pr 4	MOE Act	Weapon/Force 88	IBRS 90Z	No 4	Bias 77
# Offenses 5	Offense NY PL 240.20 01	OV0	Description DIS/CON: FIGHT/VIOLEN	Complaint Type C	AC 0
#Pr 5	MOE Act	Weapon/Force 88	IBRS 90C	No 5	Bias 77
# Offenses 6	Offense NY PL 240.20 02	OV0	Description DIS/CON: UNREASONABLE	Complaint Type C	AC 0
#Pr 6	MOE Act	Weapon/Force 88	IBRS 90C	No 6	Bias 77
# Offenses 7	Offense NY PL 240.20 03	OV0	Description DIS/CON: OBSCENE LANG	Complaint Type C	AC 0
#Pr 7	MOE Act	Weapon/Force 88	IBRS 90C	No 7	Bias 77

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
*EM	1	I	WALLACE	343111	W	M	
*EM	2	I	RAMOS	343113	U	M	
*PD	1	L	SGT GLAUDINO		U	M	
*PD	2	L	PO PEREZ		U	M	

Report Officer M86596/MCDADE, DANIEL F	Printed At 01/08/2007 10:58	Page 1 of 13
Supervisor Signature		

Incident Report

Case 1:07-cv-08021-VM

Document 9

Filed 03/27/2008

Page 6 of 24

Supplement No
ORIG

M.T.A. POLICE DEPARTMENT

06-12112

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
*PD	3	L	PO WENDLER		W	M	
AID	1	L	PO MCDADE		W	M	
ARO	1	L	PO ARONSON		W	M	
ARR	1	I	BAIN, STEPHEN O	343110	W	M	07/11/1977
ASO	1	L	PO INTERDONATI		W	M	
ASO	2	L	PO TULLY		W	M	
ASO	3	L	PPO SMITH	343112	W	M	
ASO	4	L	PO PREGO		W	M	
PSV	1	L	SGT DITTRICH		W	M	
PSV	2	L	SGT SMITH		W	M	
PSV	3	L	LT NUTTER		W	M	
VIC	1	S	PSNY	343114			

Vehicle Summary

Invl	Type	License No	State	Lic Year	Year	Make	Model	Style	Color
AMB	0	08C	NY	2006		*AMB		AM	

Summary Narrative

Arrest of one male for assaulting a police officer resulting in physical injury at Penn Station. Member of service received injuries to left leg and head. Injured prisoner received lacerations to face and OC spray exposure. Injured member of service and injured prisoner removed to hospital for treatment.

Report Officer M86596/MCDADE, DANIEL F	Printed At 01/08/2007 10:58	Page 2 of 13
Supervisor Signature		

Incident Report

Case 1:07-cv-08021-VM

Document 9

Filed 03/27/2008

Page 7 of 24

Supplement No
ORIG

16-12112

M.T.A. POLICE DEPARTMENT

EMS PERSONNEL - GENERAL 1: WALLACE

Involvement EMS PERSONNEL - GENERAL		Seq 1	Type INDIVIDUAL	Name WALLACE	
MNI 343111	Race WHITE	Sex MALE			
Type EMS/FIRE ID NUMBER (SHIELD-ETC)			ID No 6943		
Employer/School EMS			Position/Grade EMT		

EMS PERSONNEL - GENERAL 2: RAMOS

Involvement EMS PERSONNEL - GENERAL		Seq 2	Type INDIVIDUAL	Name RAMOS	
MNI 343113	Race UNKNOWN	Sex MALE			

LAW ENFORCEMENT-GENERAL 1: SGT GLAUDINO

Involvement LAW ENFORCEMENT-GENERAL		Seq 1	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY		
Name SGT GLAUDINO		Race UNKNOWN	Sex MALE		
Type PD SHIELD	ID No 744				
Employer/School NEW YORK CITY POLICE DEPT		Position/Grade ESU SGT			
Location TRUCK # 1					

LAW ENFORCEMENT-GENERAL 2: PO PEREZ

Involvement LAW ENFORCEMENT-GENERAL		Seq 2	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY		
Name PO PEREZ		Race UNKNOWN	Sex MALE		
Type PD SHIELD	ID No 2060				
Employer/School NEW YORK CITY POLICE DEPT		Position/Grade ESU PO			
Location TRUCK # 1					

LAW ENFORCEMENT-GENERAL 3: PO WENDLER

Involvement LAW ENFORCEMENT-GENERAL		Seq 3	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY		
Name PO WENDLER		Race WHITE	Sex MALE		
Type PD SHIELD	ID No 2802				
Employer/School NEW YORK CITY POLICE DEPT		Position/Grade ESU PO			
Location TRUCK # 1					

AIDED 1: PO MCDADE

Involvement AIDED	Seq 1	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name PO MCDADE		Race WHITE	Sex MALE		
Type PD SHIELD	ID No 2020				
Employer/School MTA POLICE DEPT		Position/Grade OFFICER			
Location PENN STA		City MANHATTAN	State NEW YORK	Phone Type BUSINESS	
Phone No (212) 643-5075					

Report Officer M86596/MCDADE, DANIEL F	Printed At 01/08/2007 10:58	Page 3 of 13
Supervisor Signature		

Incident Report

Case 1:07-cv-08021-VM Document 9 Filed 03/27/2008 Page 8 of 24

76-12112

Supplement No
ORIG

M.T.A. POLICE DEPARTMENT

Medical

Injury Place 30 PENN STATION		Injury Date 09/13/2006	Injury Time 00:20:00	Injured At Work? Yes
Location/Type of Injury SEVERE PAIN/SWELLING TO LEFT LEG/ANKLE - SWELLING TO FOREHEAD				
How Injured RCVD DURING ARREST PROCESS IN WHICH PERP DID ASSAULT OFFICER/PUSH DOWN STAIRS				
ARRESTING OFFICER 1: PO ARONSON				
Involvement ARRESTING OFFICER	Seq 1	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY		
Name PO ARONSON	Race WHITE	Sex MALE		
Type PD SHIELD	ID No 2300			
Employer/School MTA POLICE DEPT		Position/Grade OFFICER		
Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS	
Phone No (212) 643-5075				

ARRESTED PERSON 1: BAIN,STEPHEN O

Involvement ARRESTED PERSON	Seq 1	Type INDIVIDUAL	Name BAIN,STEPHEN O	MNI 343110
Race WHITE	Sex MALE	DOB 07/11/1977	Age 29	Ethnicity NON HISPANIC
Juvenile? No	Height 5'09"	Weight 175#	To Weight 200#	
Hair Color BLONDE/STRAWBERRY	Eye Color HAZEL	Skin FAIR	Means of Attack HANDS/FIST/FEET/ETC.	
Extent of Injury APPEARED TO BE SERIOUSLY INJURED		Dom Violence No	Gen Appearance CASUAL/CLEAN	Build MUSCULAR
Hair Description MESSY/UNKEPT/STRAIGHT	Speech LOUD	Demeanor ANGRY/IRRATIONAL		
Body Clothing SHIRT/PANTS	Arr Res Status RESIDENT	OFN_INVL 1		
Offender Cond APPEARS TO BE IMPAIRED WITH ALCOHOL				
Type HOME ADDRESS	Address 119 KELVIN AVE		City STATEN ISLAND	
State NEW YORK	ZIP Code 10306			
Type OPERATOR LICENSE/STATE ID CARD	ID No 323357316	OLS NEW YORK		
Description of Shirt RED SHIRT	Description of Pants BLUE DENIM JEANS			
Involvement SUMMARY ARREST	Arrest Type CRIME IN PROGRESS	Arrest Date 09/13/2006	Arrest Time 00:25:00	Booking No 06-9073
Arrest Location 30 PENN STATION	City MANHATTAN	Fingerprt Taken? Yes	Mug? Yes	
Armed NOT REPORTED				
Charge NY PL 120.10	CF1	Charge Literal ASSAULT-1ST	A/C C	
Charge NY PL 120.08	CF0	Charge Literal ASLT:POLICE OFF/FIRE	A/C C	
Charge NY PL 120.05	03 DF2	Charge Literal ASLT W/INT CAUS PH I	A/C C	
Charge NY PL 205.30	AM0	Charge Literal RESISTING ARREST	A/C C	
Charge NY PL 240.20	01 OV0	Charge Literal DIS/CON:FIGHT/VIOLN	A/C C	
Charge NY PL 240.20	02 OV0	Charge Literal DIS/CON:UNREASONABLE	A/C C	

M.T.A. POLICE DEPARTMENT

36-12112

Medical

Injury Place 30 PENN STATION	Injury Date 09/13/2006	Injury Time 00:20:00	Injured At Work? No
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Location/Type of Injury
LACERATIONS TO FACE / O.C. SPRAY EXPOSURE TO FACE

How Injured
RCVD WHILE RESISTING ARREST - SUBJECT SPRAY WITH 10% OC SPRAY & FELL DOWN STAIRS

ASSISTING OFFICER 1: PO INTERDONATI

Involvement ASSISTING OFFICER	Seq 1	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
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Name PO INTERDONATI	Race WHITE	Sex MALE
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Type PD SHIELD	ID No 2481
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Employer/School MTA POLICE DEPT	Position/Grade OFFICER
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Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS
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Phone No (212) 643-5075

ASSISTING OFFICER 2: PO TULLY

Involvement ASSISTING OFFICER	Seq 2	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
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Name PO TULLY	Race WHITE	Sex MALE
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Type PD SHIELD	ID No 2090
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Employer/School MTA POLICE DEPT	Position/Grade OFFICER
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Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS
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Phone No (212) 643-5075

ASSISTING OFFICER 3: PPO SMITH

Involvement ASSISTING OFFICER	Seq 3	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
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Name PPO SMITH	MNI 343112	Race WHITE	Sex MALE
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Type PD SHIELD	ID No 2565
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Employer/School MTA POLICE DEPT	Position/Grade OFFICER
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Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS
-----------------------------	--------------------------	--------------------------	-------------------------------

Phone No (212) 643-5075

ASSISTING OFFICER 4: PO PREGO

Involvement ASSISTING OFFICER	Seq 4	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
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Name PO PREGO	Race WHITE	Sex MALE
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Type PD SHIELD	ID No 2280
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Employer/School MTA POLICE DEPT	Position/Grade OFFICER
---	----------------------------------

Location PENN STA	City MANHATTAN	State NEW YORK	Phone Type BUSINESS
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Phone No (212) 643-5075

Report Officer M86596/MCDADE, DANIEL F	Printed At 01/08/2007 10:58	Page 5 of 13
Supervisor Signature		

Incident Report

M.T.A. POLICE DEPARTMENT

PATROL SUPERVISOR 1: SGT DITTRICH

Involvement	Seq	Type						
PATROL SUPERVISOR	1	LAW ENFORCEMENT OFFICER IN LINE OF DUTY						
Name	SGT DITTRICH		Race	WHITE	Sex	MALE		
Type	ID No							
PD SHIELD	393							
Employer/School	MTA POLICE DEPT		Position/Grade	SERGEANT				
Location	PENN STA		City	MANHATTAN	State	NEW YORK	Phone Type	BUSINESS
Phone No	(212) 643-5075							

PATROL SUPERVISOR 2: SGT SMITH

Involvement	Seq	Type						
PATROL SUPERVISOR	2	LAW ENFORCEMENT OFFICER IN LINE OF DUTY						
Name	SGT SMITH		Race	WHITE	Sex	MALE		
Type	ID No							
PD SHIELD	303							
Employer/School	MTA POLICE DEPT		Position/Grade	SERGEANT				
Location	PENN STA		City	MANHATTAN	State	NEW YORK	Phone Type	BUSINESS
Phone No	(212) 643-5075							

PATROL SUPERVISOR 3: LT NUTTER

Involvement	Seq	Type						
PATROL SUPERVISOR	3	LAW ENFORCEMENT OFFICER IN LINE OF DUTY						
Name	LT NUTTER		Race	WHITE	Sex	MALE		
Type	ID No							
PD SHIELD	12							
Employer/School	MTA POLICE DEPT		Position/Grade	LIEUTENANT				
Location	PENN STA		City	MANHATTAN	State	NEW YORK	Phone Type	BUSINESS
Phone No	(212) 643-5075							

VICTIM/COMPLAINANT 1: PSNY

Involvement	Seq	Type	Name
VICTIM/COMPLAINANT	1	SOCIETY/PUBLIC/PSNY	PSNY
MNI	343114		

IBRS Info

Victim Seq	Offense Codes
1	1/2/3/4/5/6/7

Vehicle: 08C

Involvement	Type	License No	State	Lic Year	Lic Type
AMBULANCE - GENERAL	AMBULANCE	08C	NEW YORK	2006	AMBULANCE
Make	Style				
AMBULANCE - GENERAL	AMBULANCE				

Modus Operandi

Gang Act?	Weapon Used	Premise Type	Victim's Race	Victim's Sex
No	PHYSICAL-HANDS-FEET-FISTS	LIRR PROP-OPEN TO PUBLIC	WHITE	MALE
Victim's Age	Vulnerability	Victim's Action		
17 - 25 YEARS IF AGE	POLICE OFFICER	ON STAIRS		
Suspect Action	SPIT AT VICTIM OR WITNESS/STRUCK VICTIM/MADE THREATS			
Crime Code(s)	ASSAULT			

Report Officer	Printed At	Page 6 of 13
M86596/MCDADE, DANIEL F	01/08/2007 10:58	
Supervisor Signature		

96-12112

M.T.A. POLICE DEPARTMENT

Narrative

On 9/13/06 at approximately 0020 hours, PO McDade and PO Aronson did observe a male subject, later identified as Stephen Bain, shouting profanities in the 8th Avenue Concourse of Penn Station. Officers further observed the male subject aggressively approach a male subject not known to him and attempt to physically assault him. Officers initially approached the subject and advised him to depart the area. The subject was not compliant with the officer's request to depart the area. Upon approaching the subject again, the subject was advised that he was under arrest at which time he fled on foot away from the officers in the vicinity of track # 17. PO McDade and PO Aronson attempted to place the subject under arrest at which time the subject did resist by flailing his arms and body and intentionally shoving the officer. PO McDade and the subject fell down the stair case of track # 17 descending to the first landing of the stair case where the subject continued to physically resist and assault the officer with a closed fist. A physical struggle continued on the first stair case landing causing both PO McDade and the subject to fall down the second portion of the stair case onto the platform of track # 17. PO McDade utilized his department issued OC spray on the subject as the subject was failing to comply with verbal commands and was continuing to physically resist. PO McDade transmitted an emergency request for assistance ("10-85") over his department radio. Upon arrival of assisting officers, the subject was physically subdued and successfully handcuffed.

PO McDade suffered injuries to his left ankle, left leg, and to his forehead. PO McDade complained of severe pain and immediate swelling was evident to his left ankle, left leg (below knee/shin), and forehead. PO McDade was unable to stand up on his own and unable to move his left leg. EMS was requested and responded to the platform of track # 17 to render aid to the injured member of service. PO McDade was removed to Bellevue Hospital by ambulance for further care and evaluation. Sgt. Richard Smith accompanied PO McDade in the ambulance to Bellevue Hospital.

The prisoner, Stephen Bain, was removed to District # 4 for processing. Upon placement into the District # 4 cell area, prisoner began to spit and flail his body striking himself on the floor, bench, and walls. Prisoner was handcuffed to the bench and ankle cuffs were placed to prevent further kicking. EMS was on scene in District # 4 at 0039 hours. NYPD Emergency Services Unit was requested for the violent prisoner whom was acting emotionally disturbed and/or under the influence of drugs and/or alcohol. NYPD Emergency Services Unit Truck # 1 responded to District # 4 at 0055 hours and flushed the prisoner's eyes with water for the OC spray exposure. They further subdued the prisoner with a restraining device. Prisoner was placed on a stretcher and removed to Bellevue Hospital by ambulance (ambulance # 08C, EMT # 6943) for further care and observation. PO Tully and PO Interdonati escorted the prisoner with EMS to Bellevue Hospital.

A telephone notification was made to Lieutenant Kevin Hoban of the MTAPD Internal Affairs Bureau. MTAPD Communications placed a telephone page notification to Inspector Kevin King, Commanding Officer of District # 4.

A Worker's Compensation package was completed for the injured member of service, PO McDade. A custodial injury package was completed for the injured prisoner.

MTAPD Arrest # 9073

NYPD Arrest # M06002101P, NYPD Fax # MO058956

Report Officer M86596/MCDADE, DANIEL F	Printed At 01/08/2007 10:58	Page 7 of 13
Supervisor Signature		

06-12112

M.T.A. POLICE DEPARTMENT

Images

Date	Time	Officer	Type	Description
09/15/2006	03:32:59	D86418		FACE PHOTO OF PRISONER'S INJURIES



Incident Report
M.T.A. POLICE DEPARTMENT

ORIG

Images

Date	Time	Officer	Type	Description
09/15/2006	03:33:36	D86418		CLOSEUP FACE PHOTO OF PRISONER'S INJURY



Report Officer
M86596/MCDADE, DANIEL F

Printed At
01/08/2007 10:58

Page 9 of 13

Supervisor Signature

Incident Report

Case 1:07-cv-08021-VM

Document 9

Filed 03/27/2008

Page 14 of 24

Supplement No
ORIG

M.T.A. POLICE DEPARTMENT

96-12112

Images

Date	Time	Officer	Type	Description
09/15/2006	03:34:12	D86418		PRISONER'S FRONT FACE PHOTO IN RMP



Report Officer
M86596/MCDADE, DANIEL F
Supervisor Signature

Printed At
01/08/2007 10:58

Page 10 of 13

Incident Report
M.T.A. POLICE DEPARTMENT

Images

Date	Time	Officer	Type	Description
09/15/2006	03:35:56	D86418		PRISONER'S LEFT FACE PROFILE



Report Officer
M86596/MCDADE, DANIEL F

Printed At
01/08/2007 10:58

Page 11 of 13

Supervisor Signature

Incident Report

Case 1:07-cv-08021-VM

Document 9

Filed 03/27/2008

Page 16 of 24

Supplement No
ORIG

M.T.A. POLICE DEPARTMENT

96-12112

Images

Date	Time	Officer	Type	Description
09/15/2006	03:36:52	D86418		PRISONER'S RIGHT FACE PROFILE



Report Officer
M86596/MCDADE, DANIEL F

Printed At
01/08/2007 10:58

Page 12 of 13

Supervisor Signature

06-12-12

M.T.A. POLICE DEPARTMENT

Images

Date	Time	Officer	Type	Description
09/15/2006	03:37:47	D86418		PRISONER'S FRONT FACE PHOTO



Incident Report

M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE

9TH FLOOR

(212) 878-1000

Case 1:07-cv-08021-VM Document 9 Filed 03/27/2008 Page 18 of 24

06-12112

Supplement No
0001

Reported Date
09/13/2006
Nature of Call
ASSALT
Officer
GUIDO, DANIEL

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No 0001	Reported Date 09/13/2006	Reported Time 13:40	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION				
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006 To Time 00:28
Officer G86509/GUIDO, DANIEL				Assignment PATROL OFFICER		2nd Officer ARONSON, ROBERT A
Assignment PATROL OFFICER		Entered by G86509	Assignment PATROL OFFICER		RMS Transfer Supplement Transfer Complete	
Transit ID NONE	Org Nature of Call 1013	CTV County of New York	Approving Officer R86170		Approval Date 09/17/2006	
Approval Time 13:01:36						

Summary Narrative

Defendants property vouchered/defendant lodged in MCB.

Item 1	Involvement SAFEKEEPING	In Custody? Yes	Tag No E4115	Item No 1	Serial No SJUG1726FJ
Description Gray Motorola cell phone					Article PHONE
Brand MOTOLA	Model RAZOR	NYSIBR Type OTHER PROPERTY	# Pieces 1	RMS Transfer Successful	
Item 2	Involvement SAFEKEEPING	In Custody? Yes	Tag No E4155	Item No 4	
Description Borgota Hotel Card					Article PERSONAL PAPERS
Article CARD	Brand HOTEL	NYSIBR Type PERSONAL PAPERS	# Pieces 1	RMS Transfer Successful	
Item 3	Involvement SAFEKEEPING	In Custody? Yes	Tag No E4115	Item No 5	
Description Best Buy Reward Card					Article PERSONAL PAPERS
Article CARD	NYSIBR Type PERSONAL PAPERS	# Pieces 1	RMS Transfer Successful		
Item 4	Involvement SAFEKEEPING	In Custody? Yes	Tag No E4115	Item No 6	
Description Business Card					Article PERSONAL PAPERS
Article CARD	NYSIBR Type PERSONAL PAPERS	# Pieces 1	RMS Transfer Successful		
Item 5	Involvement SAFEKEEPING	In Custody? Yes	Tag No E4115	Item No 2	Serial No 4J544CGQTXL
Description Black Apple Ipod 60 GB					Article IPOD
Cat RADIO, STEREO, CD/DVD PLAYER DEVICES ETC			Brand APPLE	Model IPOD	
NYSIBR Type STEREO EQUIPMENT/TV/RADIO			# Pieces 1	RMS Transfer Successful	

Report Officer G86509/GUIDO, DANIEL	Printed At 01/08/2007 10:59	Page 1 of 2
Supervisor Signature		

Incident Report

Case 1:07-cv-08021-VM

Document 9

Filed 03/27/2008

Page 19 of 24

Supplement No
0001

06-12112

M.T.A. POLICE DEPARTMENT

Item 6	Involvement SAFEKEEPING	In Custody? Yes	Tag No E4155	Item No 3
Description White Head Phones				Type A
Cat RADIO, STEREO, CD/DVD PLAYER DEVICES ETC			Article H/PHON	Brand APPLE
NYSIBR Type STEREO EQUIPMENT/TV/RADIO		# Pieces 1	RMS Transfer Successful	
Modus Operandi				
Crime Code(s) ASSAULT				

Narrative

Defendant was released from Bellevue Hospital at 1059hrs. Defendant was concluded to be fit for confinement as per Dr. Johnston. Defendant lodged in MCB without further incident. Defendants personal property was vouchered for safekeeping.

Report Officer G86509/GUIDO, DANIEL	Printed At 01/08/2007 10:59	Page 2 of 2
Supervisor Signature		

Incident Report

Case 1:07-cv-08021-VM

Document 9

Filed 03/27/2008

Page 20 of 24

Supplement No
0002

M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE

9TH FLOOR

Reported Date
09/14/2006

Nature of Call

ASSALT

Officer

GUIDO, DANIEL

(212) 878-1000

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No 0002	Reported Date 09/14/2006	Reported Time 08:14	CAD Call No 062560009	
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION					
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat 4J	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006	To Time 00:28
Officer G86509/GUIDO, DANIEL				Assignment DISTRICT 4 A TOUR		2nd Officer ARONSON, ROBERT A	
Assignment DISTRICT 4 B TOUR		Entered by G86509	Assignment DISTRICT 4 A TOUR		RMS Transfer Supplement Transfer Complete		
Property? None	Transit ID NONE	Org Nature of Call 1013	CTV County of New York		Approving Officer D86418		
Approval Date 09/15/2006		Approval Time 03:19:50					

Summary Narrative

Prisoner removed from Manhattan Central Booking and brought back to Bellevue Hospital for further care/evaluation.

Narrative

Unit advised by District #4 supervision at 1550 hours to respond to Manhattan Central Booking and remove prisoner to Bellevue Hospital. Dr. Johnston advised NYPD court personnel that they needed to administer further medical attention. Prisoner brought to Bellevue Hospital without incident.

Report Officer G86509/GUIDO, DANIEL	Printed At 01/08/2007 10:59	Page 1 of 1
Supervisor Signature		

Case 1:07-cv-08021-VM Document 9 Filed 03/27/2008 Page 21 of 24
Incident Report
M.T.A. POLICE DEPARTMENT

06-12112

Supplement No
0003

345 MADISON AVENUE

9TH FLOOR

Reported Date
09/13/2006
Nature of Call
ASSALT
Officer
RIKER, ERIC S

(212) 878-1000

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No 0003	Reported Date 09/13/2006	Reported Time 16:40	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 1 PENN STATION				
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006 To Time 00:28
Officer R86169/RIKER, ERIC S				Assignment PATROL LIEUTENANT	2nd Officer ARONSON, ROBERT A	
Assignment PATROL OFFICER		Entered by R86169	Assignment PATROL LIEUTENANT		RMS Transfer Supplement Transfer Complete	
Transit ID NONE	Org Nature of Call 1013	CTV County of New York	Approving Officer R86170		Approval Date 09/17/2006	
Approval Time 13:02:24						

Summary Narrative

Bedside arraignment conducted at Bellevue Hospital.

DISTRICT ATTORNEY 1: LAPORTE

Involvement DISTRICT ATTORNEY	Seq 1	Type GOVERNMENT	Name LAPORTE	MNI 288856
RMS Transfer Successful				
Employer/School NEW YORK CITY		Position/Grade JUDGE		

Modus Operandi

Crime Code(s)
ASSAULT

Narrative

On September 15, 2006 at 1430 hours a bedside arraignment was conducted for the Defendant, Stephan Bain, by Judge Laporte at Bellevue Hospital. The defendant was released on his own recognizance. Prisoner watch concluded.

Report Officer R86169/RIKER, ERIC S	Printed At 01/08/2007 10:59	Page 1 of 1
Supervisor Signature		

Incident Report

M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE

9TH FLOOR

(212) 878-1000

Case 1:07-cv-08021-VM Document 9 Filed 03/27/2008 Page 22 of 24

06-12112

Supplement No
0004

Reported Date
09/20/2006
Nature of Call
ASSALT
Officer
DEPOLA, JAMES

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No 0004	Reported Date 09/20/2006	Reported Time 09:33	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION				
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006 To Time 00:28
Officer D86127/DEPOLA, JAMES			Assignment DETECTIVE DIVISION		2nd Officer ARONSON, ROBERT A	
Assignment PATROL OFFICER	Entered by D86127	Assignment DETECTIVE DIVISION		Confidential CONFIDENTIAL DETECTIVE REPORT		
RMS Transfer Supplement Transfer Complete		Transit ID NONE	Org Nature of Call 1013	CTV County of New York		
Approving Officer R86128		Approval Date 10/03/2006	Approval Time 09:07:21			
NYSPI CRIMINAL HISTORY CHECK MADE Yes		NYSPI - APPROPRIATE FILE MSG SENT Yes				

Summary Narrative

Assignment: Arrest Enhancement

Subject: Case Assignment

Case Status: Closed - Arrest Enhancement

Modus Operandi

Crime Code(s)
ASSAULT

Narrative

On Monday, September 18, 2006 I, Detective DePola was assigned to investigate MTA Incident #06-12112 under DD #06-00828.

The defendant was arrested on September 13, 2006 for assault, disorderly conduct and resisting arrest. An E-Justice Inquiry was conducted and revealed that the defendant has no prior arrest record. A copy of the E-Justice report is enclosed in this case folder. Also, a Tiburon check was also conducted and showed this defendant has had no prior contact with this command.

A file 13 has been sent regarding this arrest and a copy is enclosed in the case folder. No open cases within this command could be linked to this defendant and this case is closed as arrest enhancement.

Case Status: Closed - Arrest Enhancement (AE)

Report Officer D86127/DEPOLA, JAMES	Printed At 01/08/2007 11:00	Page 1 of 1
Supervisor Signature		

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

VERONICA C. McKENNA, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in Manorville, New York.


That on the 27th day of March, 2008, deponent served the within **MTA DEFENDANTS RESPONSES TO THE CITY OF NEW YORK AND NEW YORK CITY POLICE DEPARTMENT'S NOTICE TO PRODUCE DOCUMENTS** upon the attorneys below set forth representing the parties, as indicated, at the addresses shown, said addresses being designated by said attorneys for that purpose, by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

JOSEPH T. MULLEN, JR. & ASSOCIATES
30 Vesey Street, 15th Floor
New York, New York 10007
212.766.1177

Office of the Corporation Counsel of the City of New York
Law Department
100 Church Street, Room 3-199
New York, New York 10007
Att: Caroline L. Chen, Esq.


VERONICA C. McKENNA

Sworn to before me this
27th day of March, 2008.


Lois A. Skula
Notary Public, State of New York
Registration No.: 4966255
Qualified in Suffolk County
Commission Expires :May 1, 2010

LEWIS JOHS
SHO J SIMT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Year 20

STEPHEN BAIN,

Plaintiff,

- against -

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, METROPOLITAN
TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION POLICE
DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG
ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL
MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious)- POLICE OFFICERS,

Defendant.

**MTA DEFENDANTS RESPONSES TO THE CITY OF NEW YORK AND NEW YORK
CITY POLICE DEPARTMENT'S NOTICE TO PRODUCE DOCUMENTS**

LEWIS JOHS
Lewi Jo Avallone Aviles, LLP

Counsellors at Law

Attorneys for

Office and Post Office Address
21 East Second Street • Riverhead, NY 11901
631.369.7600 • Fax 631.369.7680
FILE #:

CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed
document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

20

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

20

at

M.

Yours, etc.

Dated,

LEWIS JOHS